

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No. 2:11-cv-01650-DSC
	)	
v.	)	Judge David S. Cercone
	)	
ESSROC CEMENT CORP.,	)	( <i>Electronic Filing</i> )
	)	
Defendant.	)	
_____	)	

**UNOPPOSED MOTION TO REOPEN CIVIL ACTION**

Plaintiff United States respectfully moves this Court to issue an Order reopening this civil action for the purpose of presenting for Court approval a modification of the Consent Decree. In further support of this Motion, the United States avers:

**Background**

1. On December 29, 2011, Plaintiffs filed a Complaint and Notice of Lodging of Proposed Consent Decree in the above-captioned case.
2. On February 14, 2012, Plaintiffs filed a Motion for Entry of Consent Decree and a Brief in Support of said Motion.
3. On February 16, 2012, the Court approved the Consent Decree, and the case was closed.
4. The Court has since reopened the case four times to consider (and ultimately approve) modifications to the Consent Decree and a settlement of stipulated penalties under the Consent Decree.

**Basis To Reopen**

5. Now the United States moves that this action be reopened so that the Parties can present for Court approval a Fourth Modification to the Consent Decree. If the Court approves this Motion, Plaintiffs will submit the proposed Fourth Modification to the Court, accompanied by a motion and brief requesting that the Court approve the modification.

6. The undersigned counsel has advised counsel for the Parties affected by this motion of the motion, and counsel for original defendant Lehigh Hanson (formerly Essroc) and new party Argos San Juan have indicated that they agree with the relief sought by this motion.

WHEREFORE, based on the above, the United States respectfully requests that this Court reopen the above-captioned case so that the Parties may seek approval of the Fourth Modification.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel of record in this matter by the Court's ECF system, and, in addition, that I served a true and correct copy on the counsel below by email.

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